

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	Examiner: Arcos, Caroline H.
Minerva M. Yeung)	
)	Art Unit: 2195
Application No: 10/774,178)	
)	Confirmation No.: 7185
Filed: February 6, 2004)	
)	
For: METHODS FOR SAVING ENERGY)	
CONSUMPTION OF BUFFERED REAL-TIME)	
MULTIMEDIA APPLICATIONS ON)	
SIMULTANEOUS MULTI-THREADING)	
PROCESSORS)	
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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Final Office Action mailed April 27, 2010, and sustained in the Advisory Action mailed July 20, 2010, and in conjunction with the Notice of Appeal filed concurrently herewith, Applicants respectfully request review of the Final rejection of the claims of the above referenced application in view of the following.

REMARKS

Claims 1-4, 7, 10-15, 19 and 39-40 are pending, of which claims 1, 5 and 14 are independent claims. These independent claims are the main subject of this Request for Review.

Claims 1, 14 and 39 were rejected under 35 U.S.C. § 112, second paragraph because the Examiner asserts that it is unclear what is meant by “state of multi-threaded application.” Applicants contend that one possessing the ordinary level of skill in the pertinent art at the time the invention was made would interpret “state of application” to clearly describe what the application may be doing at an observed time.

The above claims were also rejected under 35 U.S.C. § 112, second paragraph because the Examiner asserts that it is unclear what is the relation between the limitations “monitoring the state of the multi-threaded application” and “[monitoring] the buffer.” Applicants point out that the independent claims recite that said buffer is associated with the application. Thus, Applicants contend that because the buffer is associated with the application, the state of the buffer and the state of the application are clearly related.

Claims 1, 14 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0115428 of Zaccarin et al. (hereinafter “Zaccarin”), in view of U.S. Patent Application Publication No. 2001/0056456 of Cota-Robles (hereinafter “Cota-Robles”). Applicants respectfully contend that these claims are not rendered obvious by the cited references for at least the following reason: **none of the references disclose adjusting a buffer size.**

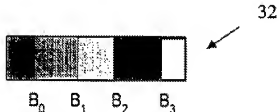
Claim 1 recites dynamically **adjusting a buffer size** based, at least in part, on an adjusted voltage or frequency applied to a processor and the coordination of the dispatch of threads. Independent claims 14 and 39 recite similar features.

The final Office Action on page 4 cites paragraphs [0015], [0017] and [0019] to disclose the above features of the independent claims. Applicants traverse.

Paragraph [0019] of Zaccarin discloses:

For clarity, the variables B.sub.0, B.sub.1, B.sub.2 and B.sub.3 in both FIGS. 2 and 3 are represented as being static. **The overall buffer size of the buffer block 32 is similarly fixed.**

The remaining disclosures of paragraph [0019] of Zaccarin disclose that variables B.sub.0-B.sub.3 may change, but the buffer size is always fixed. Applicants point out that FIG. 3 of Zaccarin appears as follows:



Assuming for the sake of argument that Zaccarin discloses adjusting processor operating conditions based on these variables (i.e., assuming processing operating conditions exist for buffer levels B.sub.0-B.sub.3), and that said variables (buffer levels) may be changed, Applicants contend that the size of buffer 32 is still fixed, and cannot be changed. In contrast, the independent claims as amended recite **adjusting a buffer size** based, at least in part, on an adjusted voltage or frequency applied to a processor and the coordination of the dispatch of threads. Therefore, Zaccarin cannot be cited to disclose the above feature of the independent claims.

Cota-Robles fails to cure the defects of Zaccarin as Cota-Robles contains no disclosures directed towards adjusting a buffer size based, at least in part, on an adjusted voltage or frequency applied to a processor and the coordination of the dispatch of threads. Therefore, no combination of Zaccarin and Cota-Robles discloses the above feature of the independent claims.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-4, 7, 10-15, 19 and 39-40 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

7-27-2010

Date

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